

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

:

Case No. 3:07-po-018

Plaintiff(s),

:

-vs-

Chief Magistrate Judge Michael R. Merz

BRODY T. NEIN,

:

Defendant(s).

**DECISION AND ORDER DENYING, IN PART AND WITHOUT PREJUDICE,
DEFENDANT'S MOTION TO SUPPRESS**

This case is before the Court on Defendant's Motion to Suppress (Doc. No. 8).

Those portions of the Motion relying on the alleged failure of the arresting officer to comply with standards promulgated by the Nation Highway Traffic Safely Administration for the administration of field sobriety tests are denied. The purpose of a motion to suppress in federal court is to consider whether the United States Constitution prohibits admission of evidence. This denial is without prejudice to the merits of any objection Defendant may have to the admission of the referenced evidence which is not grounded in the Constitution.

April 27, 2007

s/ Michael R. Merz
Chief United States Magistrate Judge